

### **REMARKS**

The above amendments and these remarks are responsive to the Office Action issued on December 13, 2004. By this response, claims 1, 22 and 41 are amended. No new matter is added. Claims 1-56 are now active for examination.

#### **The Office Action**

The Office Action dated December 13, 2004 rejected claims 1-21 under 35 U.S.C. §101 as directed to non-statutory subject matter. Claims 1-6, 15, 16, 20-27, 37-45 and 53-56 were rejected under 35 U.S.C. §102(b) as being anticipated by “CTI is Changing Workforce Management: What are the Possibilities for your Call Center?” (hereinafter “Davis”). Claims 7-11, 19, 28-33 and 46-49 stood rejected under 35 U.S.C. §103(a) as being unpatentable over Davis in view of “Automating for Better Workforce Management” (hereinafter “Reynolds”). The Examiner rejected claims 12, 13, 17, 18, 34, 35, 50 and 51 under 35 U.S.C. §103(a) as being unpatentable over David and Reynolds in view of “Microcomputer-based Data Management and Capacity-planning System” (hereinafter “Randhawa”). Claims 14, 36 and 52 were rejected under 35 U.S.C. §103(a) as being unpatentable over Davis, Reynolds and Randhawa.

Applicants respectfully submit that the rejections are overcome in view of the claim amendments and remarks submitted herein.

#### **The Telephone Discussion and Interview**

The Examiner is thanked for the courtesy for extending a telephone discussion on March 8, 2005, and an in-person interview on March 9, 2005, to discuss the current application and the Office Action with Applicants' representative.

During the telephone discussion of March 8, 2005, the rejection of claims 1-21 under 35 U.S.C. §101 and possible claim amendments were discussed. The Examiner agreed that the

rejection would be overcome if claim 1 is amended to specify that at least one of the steps described therein is machine-implemented. By this Response, claim 1 is amended as suggested by the Examiner.

The interview held on March 9, 2004 was attended by Examiner Michael Heck, Examiner Tarig Hafiz and Applicants' representative. During the interview, the differences between Davis and claims 1, 22 and 41 were discussed. In addition, Applicants' representative presented possible amendments to the claims for consideration by the Examiners. Specifically, it was proposed to amend claims 1, 22 and 41 to further clarify that each task is associated with a plurality of subtasks. The Examiners agreed that claims 1, 22 and 41, after the proposed amendment, appear to be distinguishable from Davis, and urged an RCE including such amendments be filed.

#### **The Rejection Under 35 U.S.C. §101 Is Overcome**

Claims 1-21 were rejected for being directed to non-statutory subject matter. In the Office Action, the Examiner indicated that the steps described in the claims, though produce useful, concrete and tangible result, do not employ a machine or article of manufacture. In the telephone discussion on March 8, 2005, the Examiner agreed that the rejection would be overcome if claim 1 is amended to specify that at least one of the steps described therein is machine-implemented. By this Response, claim 1 is amended based on the conclusion of the telephone discussion. It is believed that claims 1-21, as amended, are directed to patentable subject matter. Favorable reconsideration of claims 1-21 is respectfully requested.

**The Anticipation Rejection of Claims 1-6, 15, 16, 20-27, 37-45 and 53-56 Is Traversed**

Independent claims 1, 22 and 41 were rejected as being anticipated by Davis. By this Response, claims 1, 22 and 41 are amended. Applicants respectfully submit that the anticipation rejection is overcome.

Claim 1 are directed to a task-oriented, capacity planning method that identifies subtasks associated with each of a plurality of tasks, and calculates a total work volume based on the amount of the identified subtasks and the amount of time or the number of staff needed to perform each of the identified subtasks. A capacity report including information related to the work volume and staff availability is then generated. Claims 22 and 41 relate to system and software that are configured to perform functions similar to those described in claim 1.

On the other hand, Davis describes a work force management system for managing tasks and telephone sales representatives (TSR) of a calling center or telemarketing center. Principles of system designs are discussed, including forecasting staff demands for each time interval, scheduling agents, making adjustments, etc. (See paragraphs 19-22 of Davis.).

In rejecting claims 1 22 and 41, the Office Action asserted that since TSRs perform different types of tasks, such as outbound calling, training, etc., these different types of tasks are allegedly comparable to the “subtasks” as described in claims 1, 22 and 41, even though they are not related to each other for performing any specific tasks. During the interview of March 9, 2005, the Examiners agreed that claim 1 would be distinguishable from Davis if claims 1, 22 and 41 are amended to specify that each task is associated with a plurality of subtasks. By this Response, claims 1, 22 and 41 are amended to clarify that each task is associated with subtasks that are needed to perform the respective task, according to the conclusion of the interview and

the suggestion of the Examiners. It is submitted that claims 1, 22 and 41 are patentable over Davis. Favorable reconsideration of claims 1, 22 and 41 is respectfully requested.

Claims 2-6, 15, 16, 20, 21, 23-27, 37-40, 42-45 and 53-56 depend on claims 1, 22 and 41, respectively, and also are rejected as being anticipated by Davis. Since claims 2-6, 15, 16, 20, 21, 23-27, 37-40, 42-45 and 53-56, by virtue of their respective dependencies on claims 1, 22 and 41, include every feature thereof, the anticipation rejection of claims 2-6, 15, 16, 20, 21, 23-27, 37-40, 42-45 and 53-56 also is untenable and should be withdrawn based on at least the same reasons as for claims 1, 22 and 41. Favorable reconsideration of claims 2-6, 15, 16, 20, 21, 23-27, 37-40, 42-45 and 53-56 is respectfully requested.

**The Obviousness Rejections of Claims 7-14, 17-19, 28-36 and 46-52 Are Overcome**

Claims 7-14, 17-19, 28-36 and 46-52, directly or indirectly, depend on claims 1, 22 and 41, respectively, and include every feature described therein. The Office Action rejected claims 7-14, 17-19, 28-36 and 46-52 as being unpatentable over Davis in combination with various documents. As discussed above, Davis fails to teach every limitation of claims 7-14, 17-19, 28-36 and 46-52. The additional documents cited by the Examiner do not alleviate these deficiencies of Davis. Therefore, Davis, even combined with the additional documents cited by the Examiner, fails to teach or suggest every limitation of claims 7-14, 17-19, 28-36 and 46-52. Accordingly, Davis and the cited documents cannot support a prima case of obviousness. The obviousness rejection is untenable and should be withdrawn. Favorable reconsideration of claims 7-14, 17-19, 28-36 and 46-52 is respectfully requested.

For the reasons given above, Applicants believe that this application is conditioned for allowance and Applicants request that the Examiner give the application favorable consideration and permit it to issue as a patent. However, if the Examiner believes that the application can be

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put in even better condition for allowance, the Examiner is invited to contact Applicants' representatives listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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Recognized under 37 CFR §10.9(b)

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